

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

KEITH DARNELL MURRAY,  
Plaintiff(s),

CASE NO.: 2:05-CV-73011-DT

vs.

HON. BERNARD A. FRIEDMAN  
MAG. JUDGE WALLACE CAPEL, JR.

SHAWN VARGO,  
Defendant(s).

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**ORDER DENYING DEFENDANT'S**  
**MOTION TO COMPEL DEPOSITION OF PLAINTIFF**

This matter is before the Court on the Defendant's "Motion To Compel Deposition Of Plaintiff," filed, on June 6 2006. An Order of Reference was issued by the Honorable Bernard A. Friedman on June 28, 2006, in this matter, referring to the undersigned the Defendant's "Motion To Compel Deposition." On July 19, 2006, a Notice of Hearing was filed which set a hearing date of July 31, 2006, at 10:00 a.m. for this motion. On the date set for hearing neither counsel for the Plaintiff nor the Defendant appeared before the Court on this matter. Since the attorney for the Defendant did not appear or contact this office prior to the date set for the hearing to either request an adjournment of the hearing or to indicate if the motion had been resolved, the motion is hereby **DENIED.**

**IT IS SO ORDERED.**

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

**DATED:** August 1, 2006

s/ Wallace Capel, Jr.  
**WALLACE CAPEL, JR.**  
**United States Magistrate Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on **August 1, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Rebecca H. Sinn-Filiatraut, Esq., Amos E. Williams, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s) not applicable

s/James P. Peltier  
James P. Peltier  
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